

REMARKS

At the time the present Final Office Action issued, claims 3 to 35 were pending. Of these, claims 12-15 and 23-28 have been presented for examination and currently stand rejected.

Rejections under 35 USC §112

Claim 23 has been rejected under 35 USC § 112, second paragraph, as stated in numbered paragraph 2. Claim 23 was found to be indefinite as it positively recited the particulate matter as coal or fly ash, whilst the particulate matter was not positively recited in independent claim 12 from which it depends. Applicant respectfully disagrees. "Particulate matter" is contained in lines 1-2 of claim 12.

Nevertheless, claim 23 has been reworded to clearly recite the relationship between the discharge device of claim 12 and its use in a vessel for storing particulate matter.

Rejections under 35 USC §102

Claims 12-15 & 23-28 have been rejected under 35 USC §102(b) as being anticipated by Alack (US Pat. 4,848,975), as stated in numbered paragraphs 3 and 4. Applicant respectfully traverses the rejections.

Each of the present independent claims 12 and 24 recite the securing of the inner shell to the inner wall of the outer shell.

In the Office Action, the upper clamping component 73, comprising ring 75, and the annular plate 77 have been interpreted as extensions of membrane 5. The bottom of annular plate 77, however, is not secured to the inner wall of the hopper, but to the top of peripheral flange 27. Alack does not teach or suggest any securing of the membrane 5 to the inner wall of the hopper. Hence, Alack does not teach or suggest the securing of an inner shell to the inner wall of an outer shell, and therefore the present rejection is not supported by the art.

Therefore, reconsideration and, ultimately, withdrawal of the rejection of the independent claims 12 and 24 and of each claim dependent on one of these independent claims is respectfully requested.

CONCLUSION

In conclusion, Attorney has addressed each and every ground for objection and rejection raised by the Examiner in the Office Action. Reconsideration is respectfully requested.

Attorney respectfully submits that the specification and elected claims are in condition for allowance. In the event the Examiner has any questions or issues regarding the

present application, the Examiner is respectfully requested to call the undersigned prior to the issuance of any written action.

Respectfully submitted,
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